

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERNEST SADLER	:	CIVIL ACTION
	:	
v.	:	
	:	
MARRIOTT HOTEL	:	NO. 98-762

MEMORANDUM ORDER

Presently before the court is plaintiff's Motion to Proceed In Forma Pauperis. Because it appears that plaintiff is unable to pay the usual filing fee to initiate a civil action, the motion will be granted.

Plaintiff complains that defendant did not hire him as a security guard when he applied for a position in November 1994. Plaintiff states that there were five openings at the time he was interviewed. He was told that there were a number of ex-police officers with twenty to twenty-five years of experience who were more qualified than he was. Plaintiff later learned that there were people in defendant's Security Department who were less qualified than he was.

Plaintiff complained to the PHRC. He relates that the agency "assumed" his complaint was based on age. The PHRC investigated and found no probable cause to believe there had been unlawful discrimination. Plaintiff candidly acknowledges that he had in fact told the PHRC he "didn't know the reason" he was not hired but believes he is more qualified than some who were.

Federal law prohibits employment discrimination based on race, gender, age, religion and national origin. Plaintiff makes no allegations of such discrimination. Federal law does not provide a cause of action for adverse employment decisions per se, even those which are wrong, unfair, unwise or arbitrary.

Because plaintiff does not present factual allegations from which the court can fairly discern a federal claim, the court may not exercise subject matter jurisdiction. Because it is conceivable that plaintiff can in good faith set forth a federal claim regarding his application for employment with defendant, the complaint will be dismissed without prejudice.

ACCORDINGLY, this day of June, 1998, **IT IS**
HEREBY ORDERED that plaintiff's Motion to Proceed In Forma
Pauperis is **GRANTED** and the complaint in this action is
DISMISSED, without prejudice to file an amended complaint within
thirty days setting forth a claim or cause of action for which
federal subject matter jurisdiction exists if this can be done in
good faith and consistent with the strictures of Fed. R. Civ. P.
11.

BY THE COURT:

JAY C. WALDMAN, J.